



August 4, 2004 BZA

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04AN0315

Melissa and Derek Radtke

Dale Magisterial District  
9839 Pampas Drive

**REQUEST:** A thirteen (13) foot Variance to the fifteen (15) foot side yard setback requirement for an attached garage in a Residential (R-15) District.

**RECOMMENDATION**

Recommend denial of this Variance for the following reasons:

- A. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- B. The applicants have provided no information that there are such unusual circumstances about this property that adherence to the required setback would cause undue hardship.

**GENERAL INFORMATION**

**Location:**

This property is known as 9839 Pampas Drive. Tax ID 768-662-5549 (Sheet 25).

**Existing Zoning:**

R-15

Size:

.420 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-15; Residential  
South - R-15 and C-2; Residential and vacant  
East - R-15 and C-2; Residential and vacant  
West - R-15; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential  
(1.0 to 2.5 units per acre)

DISCUSSION

The applicants are proposing to construct an attached garage to the existing dwelling. The garage will be located two (2) feet from the side yard property line. The Zoning Ordinance requires a fifteen (15) foot setback; therefore, the applicants are requesting a thirteen (13) foot Variance (see attached plat).

The applicants provide the following justification in support of this request:

We propose to erect a twenty (20) by twenty-four (24) foot two (2) car garage at the end of the existing paved driveway attached to the house. This would protect our cars from the weather including early morning ice in the winter. In order to erect any garage, we will need a Variance of thirteen (13) feet. As a Real Estate Broker, I believe this will increase the value of the home and be an improvement to the area.

Staff visited the site which is located in Deerfield Estates Subdivision, originally platted in 1960.

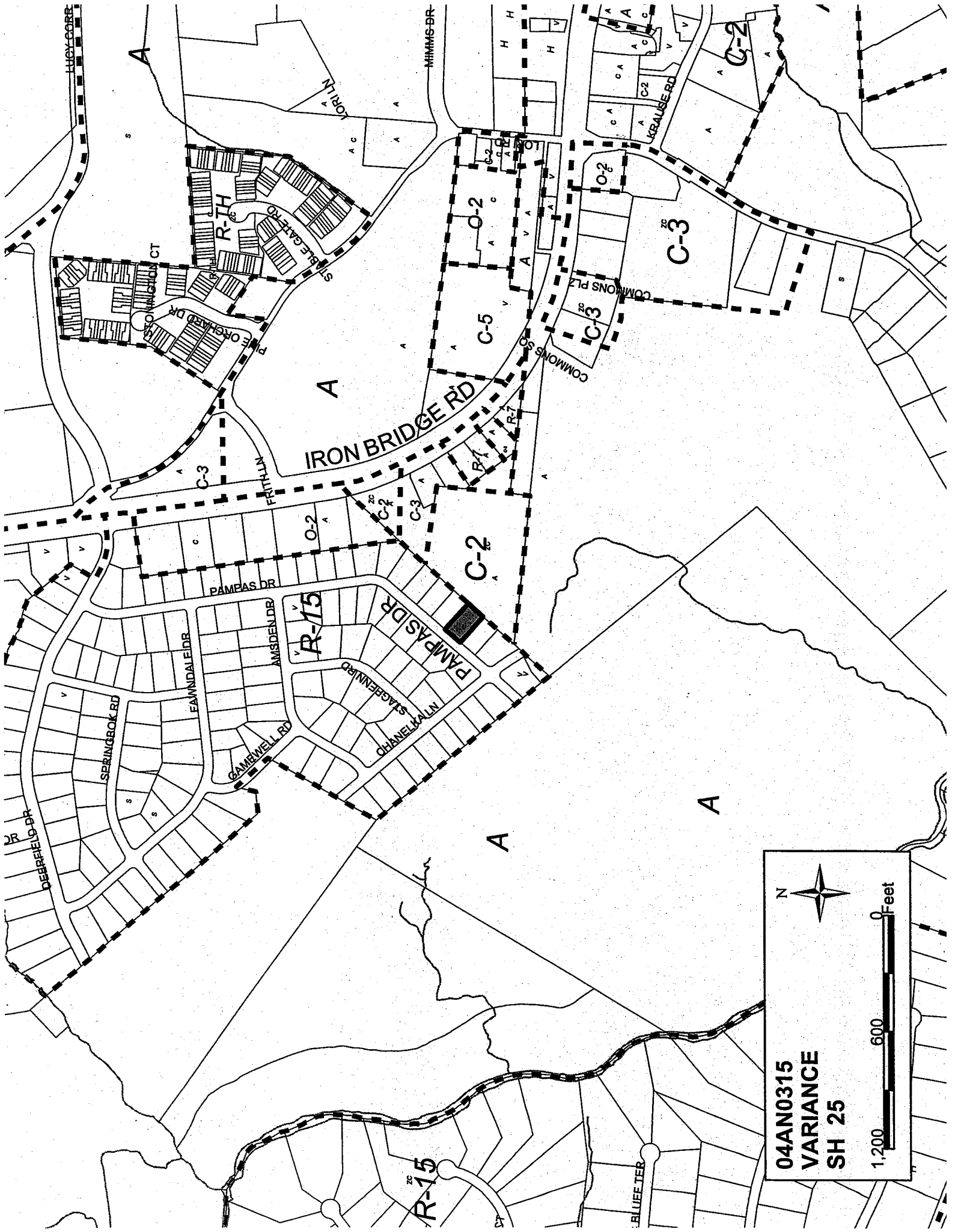
Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. The applicants could relocate the proposed garage, thereby meeting the setback requirements.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals approve this request, it should be applicable to the garage only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

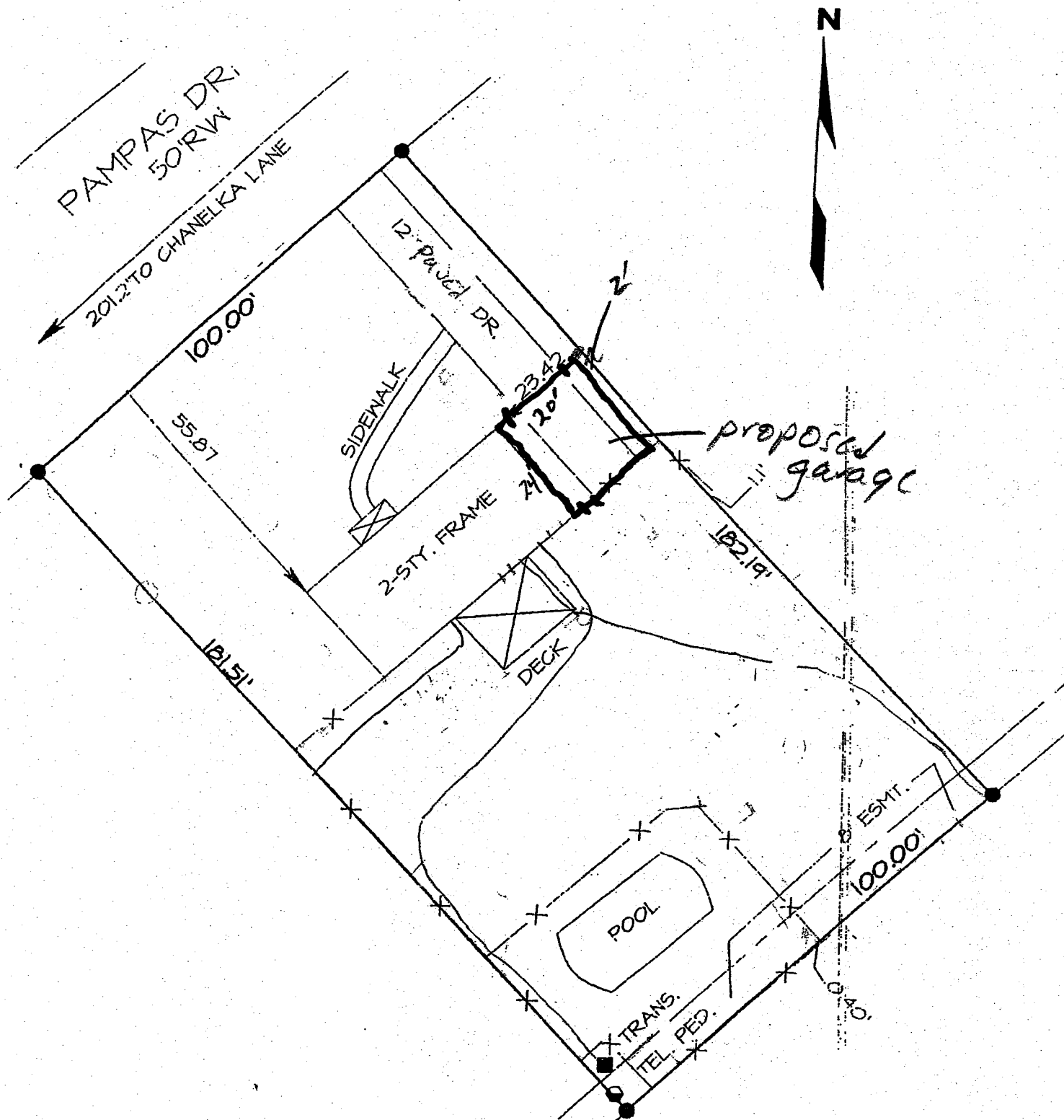
**CONDITION**

This Variance shall be for the garage as depicted on the plat attached to staff's report.



04AN0315  
VARIANCE  
SH 25





04AN0315-1